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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,844	02/22/2002	Chih M. Lin	10121-9840	9673

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MICHAEL BEST & FRIEDRICH, LLP  
100 E WISCONSIN AVENUE  
MILWAUKEE, WI 53202

EXAMINER

LIU, HAN L

ART UNIT PAPER NUMBER

3746

DATE MAILED: 02/09/2004

*7*

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/080,844

Applicant(s)

LIN ET AL.

Examiner

Han Lih Liu

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 25-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-23, 32-35 is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 25-29 and 36-39 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 6-12, 30 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 0202 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 7
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites “second surface pattern substantially similar to the first surface pattern” in lines 11 – 12. “Substantially similar” is a doubly broad term. It is suggested to state substantially the same.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Murray (USPN 4631006).

With regard to claim 1, Murray discloses in Fig. 4 an apparatus comprising: a driven element (68) including a housing (18) having an outer surface (not specifically labeled), the outer surface having a first raised portion (bolt 22, better viewed in Fig. 1), the first non-raised portion

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at least partially surrounding the first raised portion, the first raised and first non-raised portion defining a first surface pattern (bolt hole); a driving element (48) operably coupled to the driven element (48); and a shield (10) coupled to the driving element such that the shield at least partially covers one of the driven element (shaft 58); the shield having an outer surface (not labeled), the outer surface having a second raised portion (bolt 38) and a second non-raised portion (10), the second non-raised portion at least partially surrounding the second raised portion, the second raised and second non-raised portion defining a second surface pattern (bolt hole), both first and second surface pattern being substantially similar (hole on the surface).

With regard to claim 4 and 5, Murray discloses the invention substantially as claimed in base claim above. Murray further discloses that the driven element is a pump (68) and the driving element is an electric motor (48).

3. Claims 25 – 29 and 36 – 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Carey (USPN 5391837).

With regard to claims 25 and 29, Carey discloses an apparatus comprising: a motor (14); a conduit box (10) coupled to the motor as shown in Fig. 1, the conduit box having a base (16, better viewed in Fig. 2), at least one wall (26), and an open side defined by the wall and opposite the base (Fig. 2), wherein the open side faces up when the motor is in an operating position; a shield (18) coupled to the conduit box and being sized to cover the open side of the conduit box and therefore at least partially cover the motor; and a fastener (22), the fastener being the sole attachment between the shield and the conduit box.

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With regard to claims 26 – 28 and 36 – 39, Carey discloses the invention in base claims 25 and 29 above. Furthermore, Carey discloses an integral alignment member (20) coupled to the shield; and the fastener being a screw (22), column 2 lines 54 – 64.

***Allowable Subject Matter***

4. Claims 2, 3, 6 – 12, 30 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2, 3, 6 – 23 and 30 – 35 are allowed.

***Response to Response***

5. In view of the Response filed on 1/12/2004 to the Final Rejection mailed on 11/26/2003, concerning canceling independent claim 24 and rewrite two independent claims 25 and 29: combining claim 24 and claim 25 thus making independent claim 25 and combining claim 24 and claim 29 thus making independent claim 29, Examiner regrets earlier indication that claims 25 and 29 were objected due to lack of prior art support at that time. The indicated allowability of claim 25 and 29 are withdrawn in view of the newly discovered reference(s) to Carey. A newly found reference does read the claims as presented. Therefore, PROSECUTION IS HEREBY REOPENED and previous Final Rejection is withdrawn. Rejections based on the newly cited reference(s) follow.

In re-examining claim 1, a broader interpretation of the raised and non-raised portion of the surface is realized. The examiner regrets earlier allowance of independent claim 1 and the

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rejection is presented in paragraph 1 above. The Examiner apologizes any inconvenience that may have caused.

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Williams et al. (USPN 6664682 B2).

Williams et al. disclose method and apparatus for securing a conduit box to a motor.


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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Han Lieh Liu whose telephone number is 703-305-0860. The examiner can normally be reached on Monday - Thursday 7:30 to 16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 703-308-2675. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0861.

Han Lieh Liu  
February 4, 2004

  
JUSTINE R. YU  
PRIMARY EXAMINER  
2/4/04